IN THE UNITED STATES COURT OF APPEALS

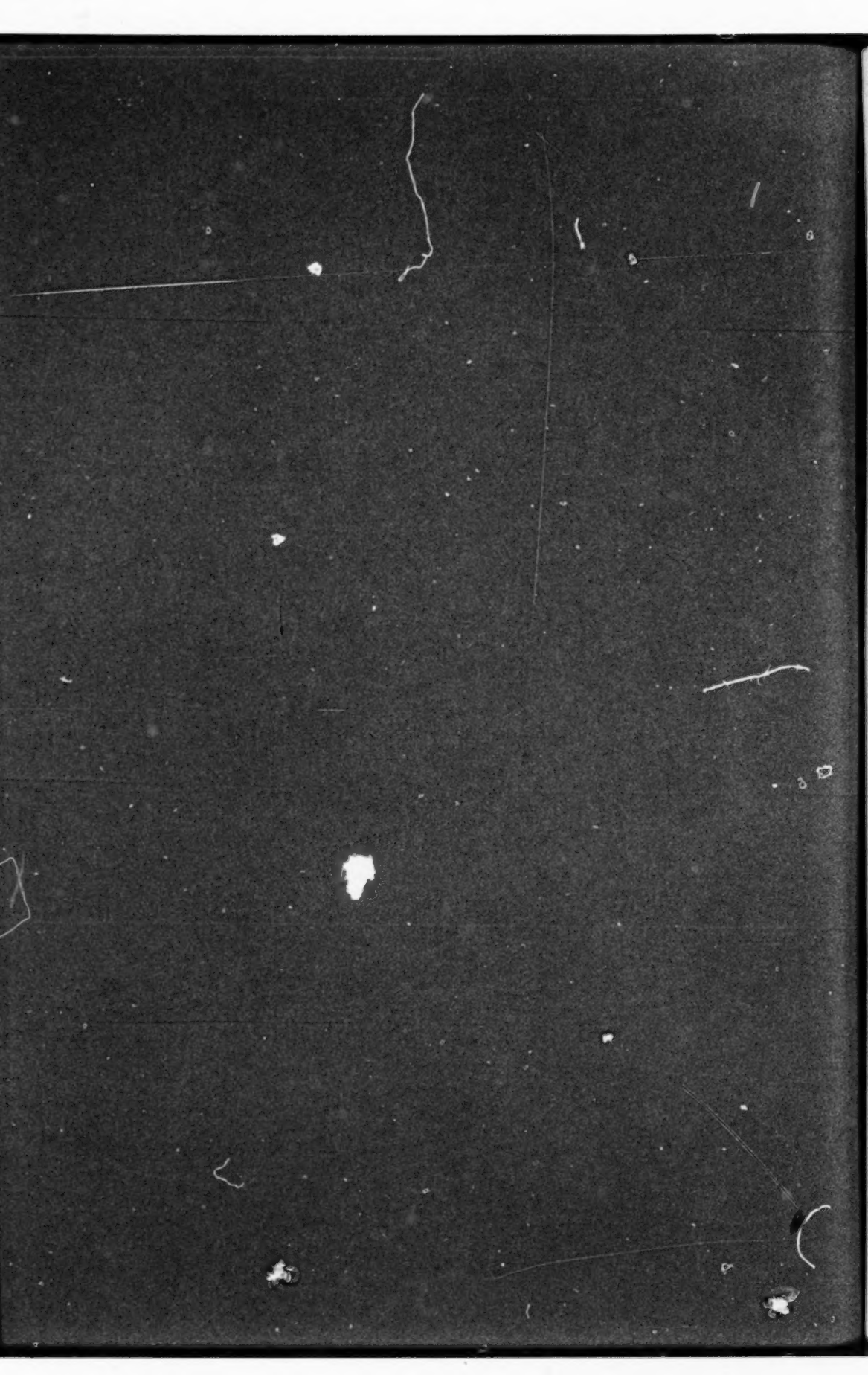
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. JESSE VANCE MEHCIZ, Defendant-Appellant.	NO. 25,868 ORDER

Before: ELY and WRIGHT, Circuit Judges, and SMITH, District Judge.

Treating the petition as one for a rehearing and a suggestion for a rehearing en banc, and it having been duly considered, the Petition for Rehearing is denied. Judge Ely would grant the Petition for Rehearing but joins in denying the Petition for Rehearing En Banc.

DATED: February 8, 1971.



Amendment Four, to the United States Constitution, provides:

> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to to searched, and the person or things to be seized."